

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. : 04-372-E

v

ROBERT JAMES HAZLETT

Defendant

**MOTION FOR DEFAULT AND DEFAULT JUDGMENT**

**AND NOW**, comes the Plaintiff, the United States of America, acting through the United States Department of Agriculture, Rural Housing Service, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and the Bernstein Law Firm, P C and pursuant to Rules 55(a) and 55(b)(2) of the Federal Rules of Civil Procedure, respectfully moves the Court to enter Default and Judgment by Default in favor of Plaintiff, the United States of America, and against Defendant Robert James Hazlett. In further support of Its Motion, the United States respectfully avers as follows:

1. On December 20, 2004, Plaintiff, the United States of America, filed a Complaint in Mortgage Foreclosure against the Defendant Robert James Hazlett.
2. On January 7, 2005, Defendant, Robert James Hazlett, was mailed a copy of the Complaint and a Notice of Lawsuit and Request for Waiver of Service of Summons.
3. Defendant failed to execute the Waivers of Services of Summons.

4. Because Defendant did not execute the Waiver of Service of Summons, Plaintiff attempted to Serve Defendant, Robert James Hazlett, through the United States Marshal's Office

5. The U.S. Marshal's Office returned an unexecuted return of service as to defendant, Robert James Hazlett, on March 3, 2005.

6. Thereafter, Plaintiff filed a Motion for Enlargement of Time to serve the Complaint and Summons on Defendant, Robert James Hazlett. Plaintiff's Motion was granted on April 26, 2005 and an Order was issued directing Plaintiff to serve Defendant within 120 days.

7. Contemporaneously, Plaintiff filed a Motion for Alternate Service to serve the Complaint and Summons on Defendant, Robert James Hazlett.

8. Plaintiff's Motion was granted on April 26, 2005 and an Order was issued directing Plaintiff to serve Defendant, Robert James Hazlett, by posting the subject property.

9. Plaintiff served Defendant, Robert James Hazlett, with the Complaint and Summons by posting the property known as 5903 Route 322, Franklin, PA 16323 on June 7, 2005 through the United States Marshal Service

10. Defendant, Robert James Hazlett, has not answered or asserted any defense in this action as provided by the Federal Rules of Civil Procedure

11. To the best of Plaintiff's knowledge, information and belief, Defendant, Robert James Hazlett, is not an infant or incompetent person and is not in the military service of the United States of America

12 The amounts due Plaintiff from Defendant on the Note and Mortgage are as follows:

Principal and Advances .....	\$28,919.08
Interest due May 31, 2004 .....	\$ 6,495.88
Interest from June 1, 2004 through August 31, 2005	
At the daily rate of \$7.13 .....	\$ 3,258.41
Interest Credit Subject to Recapture .....	\$ 1,182.61
Total .....	\$39,855.98

together with interest at 9% per annum to the date of Judgment, plus interest accruing from the date of Judgment at the legal rate and costs


**WHEREFORE**, Plaintiff, the United States of America, respectfully request the Court:

- a Grant Plaintiff's Motion and, accordingly, enter Default and Judgment against Defendant;
- b That the Plaintiff be paid the amount adjudged to be due and owing Plaintiff, with Interest thereon to the time of such payment, together with costs and expenses incurred by this action and by any sale of the subject property;
- c That a judgment in personam be entered against the Defendant as to any deficiency remaining for the balance due on the default judgment as a deduction of monies received from the sale of the subject property;
- d Expose the subject property to sale for the purpose of satisfying Plaintiff's Judgment; and

e Grant Plaintiff such other and further relief as the Court deems just and proper.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney,



~~LORIA A. GIBSON, ESQUIRE~~

PA I.D. No.: 68013

Bernstein Law Firm, P.C.

Suite 2200 Gulf Tower

Pittsburgh, PA 15219

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UNITED STATES OF AMERICA,

Plaintiff,

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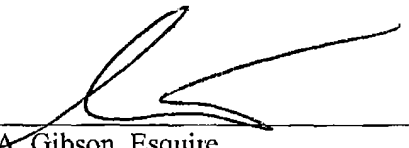
**AFFIDAVIT**

I, Lori A. Gibson, attorney for the Plaintiff, deposes and says that the averments contained in the foregoing Motion for Default and Default Judgment are true and correct to the best of my knowledge, information and belief

  
\_\_\_\_\_  
Lori A. Gibson, Esquire  
Attorney for the United States of America

I hereby declare, under penalty of perjury, that the facts of the foregoing are true and correct to the best of my knowledge, information and belief

Executed on the 29 day of August 2005.

  
\_\_\_\_\_  
Lori A. Gibson, Esquire  
Attorney for the United States of America

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Default and Default Judgment was served on the following parties on the 30 day of August 2005.  
by U S , First-Class Mail

ROBERT JAMES HAZLETT  
5903 US ROUTE 322  
FRANKLIN, PA 16323



LORI A. GIBSON  
PA ID NO: 68013